

Remarks

All papers accompanying this submission introduce no new matter to the accompanying application.

Information Disclosure Statement

The Applicants acknowledge the Examiner's comments in the present office action regarding references cited in the specification and not included in a proper information disclosure statement will not be considered. The cited references are merely for information purposes only unless included in a proper form 1449. The Applicant has submits herewith a proper form 1449 listing references the Applicant requests the Examiner kindly consider. The Applicants note that a form 1449 was received by the Patent Office May 20, 2004, a date after the Examiner mailed the present office action and therefore could not be considered.

Rejections Under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 112 first paragraph because the specification, while enabling for treating restenosis or coronary artery disease, does not reasonably provide enablement for preventing restenosis. The Applicants have cancelled claims 1 and 3, and in deference to the Examiner's rejection, now claims "preventing or inhibiting restenosis" in new claim 21. Thus this rejection is traversed.

Rejections Under 35 U.S.C. § 101

The Examiner has rejected claims 1-15 under 35 U.S.C. § 101 based on "same invention double patenting." The Applicants have cancelled claims 1-15 and added new claims 16-25. The new claims find their support in the specification as originally filed and are patentably distinct over

U.S. Patent Application
Serial No. 10/657,045

PATENT
Attorney Docket No.: P297CON2 (51288-00061)

original claims 1-15. Therefore the Applicants respectfully assert that the Examiner's "same invention" double patenting rejection has been traversed.

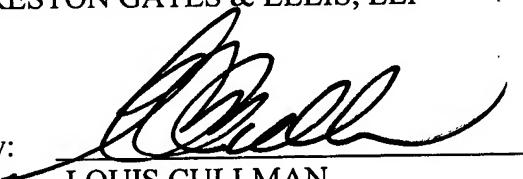
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

PRESTON GATES & ELLIS, LLP

By:


LOUIS CULLMAN
Attorney for Applicant
Registration No. 39,645

Date 8/12/01

Contact information below for inquiries
regarding the above submission:

Customer No.: 28,390
Louis C. Cullman
Preston Gates Ellis LLP
(949) 253-0900 Telephone
(949) 253-0902 Fax

Enclosures: Information Disclosure Statement, PTO-1440 and References cited thereon, check in the amount of \$180.00, Application Data Sheet and Transmittal.